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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/770,135	01/26/2001	Michael Scott Baldwin	BALDWIN 4-2-53-5	7086
26291	7590	11/17/2004	EXAMINER	
MOSER, PATTERSON & SHERIDAN L.L.P. 595 SHREWSBURY AVE, STE 100 FIRST FLOOR SHREWSBURY, NJ 07702			MEUCCI, MICHAEL D	
		ART UNIT	PAPER NUMBER	
		2142		

DATE MAILED: 11/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/770,135	BALDWIN ET AL.
	<b>Examiner</b> Michael D Meucci	<b>Art Unit</b> 2142

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 23 August 2004.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-11 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-11 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 26 January 2001 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) <u>6</u>                                    | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                    | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____. | 6) <input type="checkbox"/> Other: _____.   |

## **DETAILED ACTION**

1. Because new grounds of rejection are being applied against substantively unamended claims, this action is NON-FINAL.

### ***Oath/Declaration***

2. The oath/declaration now appears to be in conformance with 37 C.F.R. § 1.36.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 1 rejected under 35 U.S.C. 103(a) as being unpatentable over Kronz in view of Crocker (RFC 822), hereinafter referred to as Crocker.

Kronz teaches transmission and reception of electronic mail with a reliable byte-stream transport (lines 38-39 of column 19); and the steps: transmitter connecting to receiver (lines 20-22 of column 19); receiver sending a greeting to the transmitter (lines 23-29 of column 19); receiver replying the transmitter with status (lines 35-38 of column 19); transmitter receiving envelope status and sending message (lines 32-34 of column 19); and the receiver receiving message and replying the message status (lines 36-38 of column 19).

Kronz fails to teach the step of the transmitter replying the receiver with a greeting and an envelope. However, it is inherent that a greeting or handshake is made when establishing a connection. Crocker teaches: "In this context, messages are viewed as having an envelope and contents," (section 1.1, paragraph 2, lines 1-2).

It would have been obvious for one of ordinary skill in the art at the time of the applicant's invention to have the transmitter reply the receiver with a greeting and an envelope. "The envelope contains whatever information is needed to accomplish transmission and delivery. The contents compose the object to be delivered to the recipient. This standard applies only to the format and some of the semantics of message contents. It contains no specification of the information in the envelope.

However, some message systems may use information from the contents to create the envelope. It is intended that this standard facilitate the acquisition of such information by programs." (section 1.1, paragraphs 2-3). It is for this reason that one of ordinary skill in the art at the time of the applicant's invention would have been motivated to have the transmitter reply the receiver with a greeting and an envelope in the system as taught by Kronz.

5. Claim 2 rejected under 35 U.S.C. 103(a) as being unpatentable over Kronz as applied to claim 1, in further view of Skeen et al (U.S. 5,257,369) and Holmes et al. (U.S. 6,134,432).

Kronz teaches the receiver receiving a complete message (lines 52-54 of column 13 in Kronz), but fails to teach the receiver discarding record of the status of the

previous message as being in transit, and the transmitter sending a new envelope without a greeting to the receiver.

However, Skeen et al. and Holmes et al. disclose the constraints respectively:

- Skeen et al. discloses flushing the retransmit buffer once all packets have been successfully received, thereby discarding records of message as being in transit (lines 1-5 of column 6 in Skeen et al.).
- Holmes et al. disclose the client, once authenticated, proceeding with message submission until either side terminates the session (lines 26-28 of column 15 in Holmes et al.) and thereby not sending a new greeting. Transmission of a new envelope is inherent since different messages can contain different header information (lines 24-25 of column 15 in Holmes et al.).

One of ordinary skill in the art at the time of the applicant's invention would have clearly recognized that it is quite advantageous for the protocol of Kronz to discard records of the status of the previous message as being in transit. Discarding records of the status of the previous message as being in transit will make room for information of the next message (lines 4-5 of column 6 in Skeen et al.). It is for this reason that one or ordinary skill in the art would have been motivated to discard records of the status of the previous message as being in transit in the system of Kronz-Crocker.

One of ordinary skill in the art at the time of the applicant's invention would have clearly recognized that it is quite advantageous for the protocol of Kronz to have the transmitter send a new envelope without a greeting to the receiver. Sending a new envelope without a greeting will allow the connecting host to proceed with message

submission until either side terminates the session, thereby reducing overhead for sending and receiving the greeting for each message (lines 24-28 of column 15 in Holmes et al.). It is for this reason that one of ordinary skill in the art would have been motivated to have the transmitter send a new envelope without a greeting to the in the system of Kronz-Crocker.

6. Claim 3 rejected under 35 U.S.C. 103(a) as being unpatentable over Kronz-Crocker as applied to claim 1.

Kronz teaches transmission and reception of electronic mail as carried over an 8-bit channel (lines 27-29 of column 2).

7. Claim 4 rejected under 35 U.S.C. 103(a) as being unpatentable over Kronz-Crocker as applied to claim 1, in further view of Fielding, R., "RFC 2068".

Kronz fails to teach imposing no line-length limits on the messages. However, Fielding discloses the HTTP protocol as not placing any limit on the length of a Uniform Resource Identifier (URI) (paragraph 4, page 15 of 127 in Fielding).

One of ordinary skill in the art at the time of the applicant's invention would have clearly recognized that it is quite advantageous for the protocol of Kronz to impose no line-length limits on the messages as in Fielding. Servers must be able to handle the URI of any resource they serve, and should be able to handle URIs of unbounded length (paragraph 4, page 15 of 127 in Fielding). It is for this reason that one of ordinary skill in the art would have been motivated to impose no line length in the system of Kronz-Crocker.

8. Claim 5 rejected under 35 U.S.C. 103(a) as being unpatentable over Kronz-Crocker as applied to claim 1, in further view of Yamasaki (U.S. 5,699,517).

Kronz fails to teach suppression of duplicate messages. However, Yamasaki discloses suppressing duplicate response (line 2 of column 9 in Yamasaki).

One of ordinary skill in the art at the time of the applicant's invention would have clearly recognized that it is quite advantageous for the protocol of Kronz to include duplicate message suppression in order to avoid transmission of response messages having the same response information data on the network in a duplicate manner (lines 4-6 of column 9 in Yamasaki). It is for this reason that one of ordinary skill in the art would have been motivated to include message in the system of Kronz-Crocker

9. Claim 6 rejected under 35 U.S.C. 103(a) as being unpatentable over Kronz-Crocker as applied to claim 1, in further view of Richardson, Christopher (Google Group comp.os.linux.answers, 01/07/1998).

Kronz fails to teach implementing loop detection. However, Richardson discloses qmail supports host and user masquerading, full host hiding, virtual domains, null clients, list-owner rewriting, relay control, double-bounce recording, arbitrary RFC 822 address lists, cross-host mailing list loop detection, etc (lines 21-24, paragraph 1 of page 2 in Richardson).

One of ordinary skill in the art at the time of the applicant's invention would have clearly recognized that it is quite advantageous for the protocol of Kronz to implement loop detection. Loop detection would limit the machine load (line 19, paragraph 1 of page 2 in Richardson). It is for this reason that one of ordinary skill in the art would

have been motivated to implement loop detection in the system of Kronz-Crocker Claim 7 rejected under 35 U.S.C. 103(a) as being unpatentable over Kronz as applied to claim 1, in further view of Elliott et al. (U.S. 5,764,241).

Kronz fails to teach not requiring carriage returns and line feeds in a message body. However Elliott et al. discloses ignoring carriage returns and line feeds (lines 9-10 of column 44 in Elliott et al.), which thereby makes them not required.

One of ordinary skill in the art at the time of the applicant's invention would have clearly recognized that it is quite advantageous for the protocol of Kronz to ignore carriage returns and line feeds so they can be used as token separators (lines 10-11 of column 44 of Elliott et al.). It is for this reason that one of ordinary skill in the art would have been motivated to not require carriage returns and line feeds in a message body in the system of Kronz-Crocker.

10. Claim 8 rejected under 35 U.S.C. 103(a) as being unpatentable over Kronz-Crocker as applied to claim 1, in further view of Sriram (U.S. 5,463,620).

Kronz fails to teach the transmission of data between transmitter and receiver as being asynchronous. However, Sriram discloses the asynchronous transfer mode (ATM) standard (lines 41-42 column 1).

One of ordinary skill in the art at the time of the applicant's invention would have clearly recognized that it is quite advantageous for the protocol of Kronz to utilize the asynchronous transfer mode standard because it is able to handle many more diverse kinds of traffic than the low-speed networks of the past (lines 41-43 of column 1). It is

for this reason that one of ordinary skill in the art would have been motivated to transmit data between transmitter and receiver asynchronously in the system of Kronz-Crocker.

11. Claims 9 and 10 rejected under 35 U.S.C. 103(a) as being unpatentable over Kronz-Crocker as applied to claim 1, in further view of Foster et al. (U.S. 5,583,993).

Kronz fails to teach transmitter dropping connection with the receiver if transmitter detects loss of synchronization and receiver dropping connection with the transmitter if receiver detects loss of synchronization. However, Foster et al. discloses reinitiating participation to reestablish synchronous communication (Abstract) which implies that synchronous communication was lost and detected. Foster et al. also discloses closing the view to terminate participation in the session (Abstract) and therefore can be done by transmitter or receiver, whichever one detects loss of synchronization.

One of ordinary skill in the art at the time of the applicant's invention would have clearly recognized that it is quite advantageous for the protocol of Kronz to have the transmitter/receiver that detects the loss of synchronization drop the connection with the other so time is not wasted with an unsynchronized connection in the system of Kronz-Crocker.

12. Claim 11 rejected under 35 U.S.C. 103(a) as being unpatentable over Kronz-Crocker as applied to claim 1, in further view of Freed, N. (RFC 2045, 1996).

Kronz fails to teach transmitting and receiving message as raw unconverted data. However, Freed discloses many media types, which could be usefully transported

via email, are represented, in their "natural" format, as 8bit character or binary data (section 6, paragraph 1, lines 1-2).

One of ordinary skill in the art at the time of the applicant's invention would have clearly recognized that it is quite advantageous for the protocol of Kronz to transmit and receive messages as raw unconverted data because it (their natural format) is utilized by many media types (section 6, paragraph 1, lines 1-2). It is for this reason that one of ordinary skill in the art would have been motivated transmit and receive messages as raw unconverted data in the system of Kronz-Crocker.

### ***Response to Arguments***

13. Applicant's arguments with respect to claims 1-11 have been considered but are moot in view of the new ground(s) of rejection.

14. Applicant's arguments include the failure of previously applied art to expressly disclose a *transmitter replying to the receiver with a greeting and an envelope*. See Response, 4 August 2004, page 3, lines 8-9. It is evident from the detailed mappings found in the above rejections that Kronz-Crocker disclosed this functionality (Crocker, page 3, paragraph 5, lines 1-2). Further, it is clear from the numerous teachings (previously and currently cited) that the provision for a *transmitter replying to the receiver with a greeting and an envelope*, was widely implemented in the networking art. Thus, Applicant's arguments drawn toward distinction of the claimed invention and the prior art teaching on this point are not considered persuasive.

15. Applicant's traversal of claims 2-11 has been overcome by the new grounds of rejection as applied to claim 1.

***Conclusion***

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Meucci at (571) 272-3892. The examiner can normally be reached on Monday-Friday from 9:00 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Harvey, can be reached at (571) 272-3896. The fax phone number for this Group is (703) 872-9306.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [michael.meucci@uspto.gov].

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published

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